

**HOFLAND & TOMSHECK**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP ALLERSON VAUGHN

Defendant

Case No.: 2:15-cr-00078-JAD-NJK

STIPULATION AND ORDER TO  
CONTINUE SENTENCING DATE,  
(EIGHTH REQUEST)

IT IS HEREBY STIPULATED, by and between the UNITED STATES OF AMERICA, by and through Steven Myhre, United States Attorney, Dan Cowhig, Assistant United States Attorney, and Kathryn C. Newman, Assistant United States Attorney, and defendant, PHILLIP ALLERSON VAUGHN, by and through his attorney, Joshua Tomsheck, Esq., of the law firm of Hofland & Tomsheck, that the sentencing date in the above-captioned matter now scheduled for May 16, 2017 vacated and continued to a date and time convenient to the Court, no sooner than sixty (60) days beyond the current setting, in order for the Parties to have sufficient time to prepare for sentencing in this matter.

This is the EIGHTH request by the undersigned defense counsel for a continuance of the scheduled sentencing date, is made in good faith and not for the purpose of delay and comports with the good cause requirements of Fed. R. Crim.

1 P. 32(b)(2).

- 2 1. Counsel for the Defendant is appointed CJA counsel.
- 3 2. Counsel for the Defendant is concerned that legal issues arising out of
- 4 the decision in USA v Johnson might prejudice the Defendant if the
- 5 case proceeds to sentencing in its current posture.
- 6 3. Counsel for the Defendant is researching these matters and has
- 7 engaged the Government Counsel regarding a potential resolution to
- 8 protect the interests of the Defendant.
- 9 4. Denial of this request for continuance would deny the parties herein
- 10 time and the opportunity to effectively and thoroughly prepare for the
- 11 sentencing hearing, taking into account the exercise of due diligence.
- 12 5. Additionally, denial of this request for continuance could result in a
- 13 miscarriage of justice.
- 14 6. For all of the above-stated reasons, the ends of justice would best be
- 15 served by a continuance of the sentencing date.
- 16

17 **STEVEN MYHRE**  
18 United States Attorney

**HOFLAND & TOMSHECK**

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20 /S/ D. Cowhig  
21 **DAN COWHIG**  
22 Assistant United States Attorney

/S/ J. Tomsheck  
23 **JOSHUA TOMSHECK, ESQ**  
24 Counsel for Defendant  
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1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v

6  
7 PHILLIP ALLERSON VAUGHN

8 Defendant

} Case No.: 2:15-cr-00078-JAD-NJK

} FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER

9  
10 Based upon the pending Stipulation of the parties, and good cause appearing  
11 therefore, the Court finds that:

12 The parties have stipulated to continue the sentencing hearing date as  
13 presently scheduled.

14 This Court, being convinced that adequate showing has been made that  
15 were this request for continuance to be denied, counsel would not have the  
16 necessary time to effectively prepare for the sentencing hearing, taking into account  
17 the exercise of due diligence, and a miscarriage of justice could result, based on the  
18 following:

19 1. Counsel for the Defendant is appointed CJA counsel.

20 2. Counsel for the Defendant is concerned that legal issues arising out of  
21 the decision in USA v Johnson might prejudice the Defendant if the case proceeds to  
22 sentencing in its current posture.

23 3. Counsel for the Defendant is researching these matters and has engaged  
24 the Government Counsel regarding a potential resolution to protect the interests of  
25 the Defendant.

26 4. Denial of this request for continuance would deny the parties herein time  
27 and the opportunity to effectively and thoroughly prepare for the sentencing  
28 hearing, taking into account the exercise of due diligence.

1           5.     Additionally, denial of this request for continuance could result in a  
2 miscarriage of justice.

3           6.     For all of the above-stated reasons, the ends of justice would best be  
4 served by a continuance of the sentencing date.

**ORDER**

IT IS HEREBY **ORDERED**, that the sentencing hearing currently scheduled for May 16, 2017 be vacated and continued to July 24, 2017 at the hour of 10:30 a.m.

DATED this 15th day of May, 2017.

  
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United States District Court Judge